

SENATE BILL 4051
By Bryson

AN ACT to amend Chapter 79 of the Acts of 1903, as amended and rewritten by Chapter 126 of the Private Acts of 1967, as amended by Chapter 54 of the Private Acts of 1987, and any other acts amendatory thereto, relative to the charter of the City of Franklin.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 79 of the Acts of 1903, as amended and rewritten by Chapter 126 of the Private Acts of 1967, as amended by Chapter 54 of the Private Acts of 1987, and any other acts amendatory thereto, is amended by deleting in its entirety sub-section (9) in Article II, Section 1 by substituting instead the following language:

(9) Grant to any person, firm, association, or corporation franchises for public utilities and public services to be furnished the city and those therein. Such power to grant franchises shall embrace the power hereby expressly conferred, to grant exclusive franchises, and whenever an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation, but also as against the city itself. Franchises may be granted for the period of thirty (30) years or less, but no longer. The Council may prescribe in each grant of a franchise, the rate, fares, charges, and regulations that may be made by the grantee of the franchise. The Council may also impose upon the grantee of any franchise a reasonable franchise fee for the use of the city's rights-of-way, and the franchisee is authorized to pass the costs of such fee on to its consumers within the city of Franklin. The franchise fee shall be calculated by any legal means in accordance with state and federal law. Franchises may by their terms apply to the territory within the corporate limits of the city at the date of the franchises, and as said corporate limits thereafter may be enlarged; and to the then existing streets,

alleys, and other thoroughfares that thereafter may be opened. Nothing in this sub-section shall apply to providers of telecommunications services or information services. This act shall not alter in any fashion any existing franchise agreement in place as of the date of enactment of this act between the city and any provider of telecommunications services or information services. Franchise fees for cable television services shall be calculated by any legal means in accordance with state and federal law.

SECTION 2. Chapter 79 of the Acts of 1903, as amended and rewritten by Chapter 126 of the Private Acts of 1967, as amended by Chapter 54 of the Private Acts of 1987, and any other acts amendatory thereto, is amended by deleting sub-section (38) of Article II, Section 1 in its entirety and by substituting instead the following language:

(38) Impose such fees on persons or entities developing land within the corporate limits as the city deems appropriate to pay the cost of capital improvements and other expenses related to such developments including, but not limited to, improvements and expenses for street repair and construction, the installation of electrical and other utilities underground and/or the conversion of such utilities from overhead to underground, water services and/or facilities, wastewater and reclaimed water services and/or facilities, stormwater and drainage services and/or facilities, educational services and/or facilities, parks and recreational facilities, police protection, fire protection, garbage collection and/or disposal, and the providing of administrative services.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Franklin. Its approval or nonapproval shall be proclaimed by the presiding officer of the City of Franklin and certified to the secretary of state.

SECTION 4. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 3.